UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.658
14 February 2001

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fifth session

SUMMARY RECORD OF THE 658th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 28 September 2000, at 3 p.m.

Chairperson: Mr. RABAH

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of the Central African Republic (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-44711 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Central African Republic (continued) (HRI/CORE/1/Add.100 (Core document); CRC/C/11/Add.18 (initial report); CRC/C/Q/CAR/1 (list of issues); written replies of the Central African Republic to the questions of the Committee (document without a symbol distributed in the meeting room))

1. At the invitation of the Chairperson, the members of the delegation of the Central African Republic resumed places at the Committee table.

2. Mr. DOEK asked whether the recommendations made by the Children's Parliament with regard to juvenile justice had been translated into concrete action. In view of the low capacity of existing facilities, children deprived of a family environment were generally cared for by the extended family; it would be useful to know whether the latter received any financial assistance from the State and whether the State had established services, particularly in the field of health, to assist in their care. Were the private institutions established to receive orphans fully independent financially or subsidized by the State, and had the Government defined quality criteria for such establishments?

3. Ms. RILANTONO noted that children's development depended on the development of women; as 80 per cent of women did not know how to read or write, she asked whether the Central African Republic had set up a literacy programme for them. Was there a special programme focusing on education for school-age children who did not attend school?

4. Had the Central African Republic considered taxing foreign investments in order to free up supplementary resources to combat poverty? Did the non-governmental organizations (NGOs) working with children in the country, receive a tax allowance? In order to promote the implementation of the Convention and raise public awareness in that connection, could the Central African Republic turn to the many women's associations and NGOs, particularly the religiously-based ones, who were actively working on children's issues in the field?

5. Had the Central African Republic established reproductive health programmes for adolescents in order to avoid early pregnancies, and also illegal abortions, as abortion was prohibited by law? Lastly, although very little consideration was given to a child's opinion within the family, did the Central African Republic at least encourage children to express their opinions at school?

6. Ms. MOKHUANE asked whether the Central African Republic had thought of turning to the private sector in order to obtain additional funds to remedy the lack of both human and financial resources that hampered implementation of the Convention in the country. Regarding access to information and the media, was the Central African Republic considering raising parents' awareness of the fact that certain programmes of a violent or pornographic nature were

not suitable for children and establishing a system of parental control for the different media? Was there a permanent structure responsible for hearing children's complaints and, if so, was it independent?

7. Ms. OUEDRAOGO asked what action the Central African Republic was taking in order to avoid discrimination towards certain rural and isolated minority groups, such as the Pygmies and the Peuls, and to ensure the integration of those peoples, particularly the children, while preserving their cultural identity.

8. There appeared to be a tendency for parents to impose their authority for fear of seeing it weakened, but it was a misconception to think that respect for a child's opinion was synonymous with loss of authority. She asked whether the Central African Republic was undertaking any awareness-raising activities in that connection. Were there not areas in which respect for the child's opinion was necessary, for example with regard to adoption or separation from parents? In that respect, it would be useful to have further information on the student-elected representatives who participated on school boards.

9. As part of the reproductive health programme in place, had the Government established services specifically for adolescents, with personnel responsible for listening to their concerns and winning their trust? Adolescents should be involved in awareness-raising programmes in that field.

10. The procedure for obtaining legal aid in civil matters was very complex. The Central African Republic should endeavour to simplify the procedure so as to take the needs of young people into account and encourage them to lodge complaints.

11. With regard to the right to life, survival and development, the Committee was concerned at the infanticide of children born by breech delivery, which was frequent in rural and isolated areas, and would like to know what the Government was doing to encourage the necessary change in mentality. Despite the scarcity of available resources, had the Government undertaken action to attend to the many children who had been mutilated or had lost their parents owing to the mutinies in 1996 and 1997?

12. Had the Central African Republic revised the Nationality Code and, if so, what steps had been taken to protect a child's right to nationality? It would also be useful to know whether measures had been taken to guarantee the protection of identity, particularly that of youth.

13. In order to protect children, recommendations had been made about the content and broadcast time of television programmes. What follow-up had been given to those recommendations? Had the Government the right to censor programmes? Had it established a body to regulate them and what steps was it taking to offset the danger that the projection of certain contraband videocassettes in some districts represented for children?

14. Ms. KARP asked who exactly were the peace ambassadors, what their role was and whether they covered the whole country. It was regrettable that the Constitution of

the Central African Republic did not recognize the right of children to be heard in any judicial or administrative procedure which concerned them, particularly in the case of adoption and custody; the State party should give attention to filling that legal vacuum.

15. When legislation was not respected, particularly in the case of children detained in prisons for adults, were the NGOs working in the field authorized to bring legal proceedings and what was the procedure for doing so? With regard to criminal matters, children from 16 to 18 years of age did not appear to have the same protection as younger children; were they covered by special provisions?

16. It would be useful to know whether the law prohibiting abortion was applied strictly or whether it took the mother's interest into account, for example when a pregnancy endangered her health or in cases of early pregnancy. When a girl was raped, she was obliged to marry the rapist in order to save her family's honour; what action was the Central African Republic taking to combat that abhorrent custom? Were community leaders and those with influence at the local level trying to raise the people's awareness of the need to terminate the practice?

17. Legislation on juvenile justice had been adopted five years earlier, but when would it enter into force? In particular, the juvenile courts had in principle been established in 1995 but only the juvenile court in Bangui appeared to be operating, while in the other regions of the country, children were referred to courts for adults and detained in prisons for adults, where there was no follow-up. It had been stated that the Central African Republic was making efforts to improve the situation; what measures had been taken? Instead of being imprisoned, children were at times entrusted to specialized NGOs, who acted for the public authorities; that approach was somewhat risky, as the NGOs in question were not accountable before the law. It would also be interesting to know whether any offences existed which were exclusively applicable to children, such as misbehaviour. Lastly, what treatment was given to children who were victims of sexual exploitation?

18. Ms. DEA (Central African Republic) said that, in its efforts to combat poverty and implement the provisions of the Convention, the Government faced a fundamental problem, mobilization of resources. While the Central African Republic was rich in natural resources, the State did not control their development. Its funds came essentially from direct and indirect taxes, and were totally insufficient.

19. The idea of peace ambassadors had arisen after the mutinies, in a general atmosphere of distrust and hate. Without Government action, the children themselves risked causing a fresh outbreak of violence. Owing to the introduction of the peace ambassadors, with the help of the United Nations Economic, Social and Cultural Organization (UNESCO) and the United Nations Children's Fund (UNICEF), they had instead become the foremost defenders of peace, particularly through initiatives in the schools.

20. Reproductive health services for adolescents were operating in all the major towns in the country. In addition, young people themselves were running awareness-raising activities, often more effectively than those undertaken by Government employees. To prevent children from having access to violent or pornographic films, the Head of State had established a committee to prepare a regulation for the halls that showed video cassettes.

21. Children were encouraged to participate at school, where they were able to express their opinions freely. Children whose parents refused to listen to them frequently turned to teachers to discuss their problems. Although the law prohibited discrimination against minorities they were marginalized because of their different culture and way of life. School libraries were badly equipped owing to lack of resources. As the French Cultural Centre had been destroyed, only the Martin Luther King Centre remained, and access was limited to English-speakers.

22. Mr. DIBERT DOLLET (Central African Republic) said that the opinion of the child was not taken into consideration in the adoption procedure. When the Government revised the Family Code in order to eliminate provisions that impeded adoptions, it would review the legislation and amend it to guarantee respect for the opinion of the child. With regard to divorce, the child's opinion was taken into consideration in custody decisions.

23. Abortion was illegal, except for medical reasons. An awareness-raising campaign was under way to encourage girls to use some form of contraception and, in that context, a course on sex education had been introduced into the school programme.

24. The legislation did not contain specific provisions aimed at facilitating access to justice for children. They could, however, benefit from the legal assistance granted to the poor, under certain conditions.

25. No special programme had been established for the child victims of the mutinies, but an association of mutiny victims, set up with Government support, was currently evaluating all the damage suffered, to enable the State to assist those concerned.

26. The naturalization procedure had been suspended some time earlier and the Ministry of the Interior was examining a new law. That having been said, children were much less affected than adults by the problem of statelessness. All children born in the territory could obtain Central African nationality as of the age of 12. Those who were in the territory and were unable to substantiate any nationality could also apply for Central African nationality.

27. Lack of resources was particularly severe in the area of juvenile justice. There was no Children's Ombudsperson, but a prosecutor in Bangui was specifically responsible for youth issues. The fact that the State entrusted the custody of certain children to the NGOs in no way signified an abdication of responsibility, as that was the only way to avoid imprisoning them with adults; the Government's partnership with NGOs included preparation of weekly reports on the behaviour of the children in their care. Having observed that many judicial police officers and judges knew little about the Convention, the Government had organized training for them, in cooperation with UNICEF.

28. In cases of sexual abuse, the age of the victim was an aggravating factor, and the Penal Code established heavier punishments in cases involving children. The problem of procuring was directly linked to that of poverty. Parents themselves were known to force their children into prostitution, and, although there were minors' brigades responsible for punishing such activities, their scope of action was limited when the family protected the perpetrators instead of

reporting them. If the victim was an accessory, it was impossible to take action, as it was for the victim to lodge a complaint. The most effective way of combating procuring was therefore to raise public awareness.

29. Ms. SAPHO (Central African Republic) said that State-approved NGOs enjoyed tax benefits for the importation of any equipment they required as well as essentials (food and medicines) for public distribution. There was also an allocation in the State budget for granting subsidies to those NGOs. Non-governmental child-care provision was still insufficient. The main organizations active in the field were charity or religious associations which had been involved in social and educational work for a long time. Women journalists' and jurists' organizations also played an important role in the implementation of the Convention and in raising public awareness of its principles. The Association des femmes jurists (Association of Women Jurists), for instance, was largely responsible for the establishment of the National Monitoring Committee. It organized many awareness-raising and outreach activities in schools, churches and local community associations, as well as on the radio. It produced leaflets or cartoons about the Convention. It also organized training courses for teachers and journalists to enable them to acquire a basic grounding in law and to take part in awareness-raising activities. The reaction from NGOs to violations of the rights of the child usually took the form of press releases or memorandum. It was rare for them to take legal action or join proceedings as a civil party. Children who had been mutilated in the rebellions enjoyed the assistance of Handicap International, which provided them with artificial limbs and took care of their rehabilitation.

30. Mr. SAMBA (Central African Republic) said that a State body, the "Espace Enfants", had been given the task of coordinating the activities of NGOs working in the field of child integration. The Social Action Fund, contained in the State budget, gathered resources and made them available to the "Espace Enfants", which divided them among the relevant NGOs. The mechanism worked but, unfortunately, resources were limited. A law concerning the setting up of a National Solidarity Fund, designed to provide assistance to victims of natural disasters, armed conflicts and AIDS, had been adopted in 1997. However, due to a lack of resources to endow the fund, the corresponding implementation decree had yet to be adopted.

31. The Mother and Child Care Centre provided care for some abandoned children, either by taking them in or by supporting foster families, but such activities took place only in Bangui. The same was true for most NGOs, such as SOS Kinderdorf. As its Children's Village had been full for two years, SOS Kinderdorf had begun to extend its activities to the large provincial cities. There was no specific programme for the schooling of young girls. However, a community schools pilot scheme was currently in operation, with assistance from UNICEF, in two prefectures. As the scheme had proved fruitful, it was due to be extended to two more prefectures the following year, with the aim of gradually extending it to cover the entire country. The increasing number of such schools should facilitate the schooling of young girls outside the traditional school system. A general policy document on the integration of minorities, including the Pygmies and the Peuls, was currently being prepared.

32. For socio-cultural reasons, the child's opinion was seldom taken into consideration within the family. Measures were being taken to correct that situation but it was difficult to implement them. In particular, messages specifically targeting rural communities needed to be developed.

33. A school sexual and reproductive health service had recently been established, complementing the young people's sexual health information centre, which had been set up by a youth association active in the field well before the governmental programme had been adopted. A study carried out in rural communities had shown that children being born in the breech position did not constitute a problem of any significance.

34. Ms. EL GUINDI asked what steps were being taken to improve health care for mothers-to-be and young children, in view of the high infant mortality rate and large numbers of women dying during or following childbirth, as a result of a failure to vaccinate them against diseases contracted at that time. Given that customary law contained some negative aspects and that, very often, it was given precedence over legislation, had a plan of action been established to improve the situation?

35. Ms. RILANTONO said that, in view of WHO reports to the effect that a large proportion of women relied on traditional midwives, whose hygiene standards were, in general, inadequate, she would welcome information about any proposed steps to encourage change, as such practices were responsible for the high maternal mortality rate. Medical consultations should be offered free of charge to pregnant women.

36. Many deaths could easily be avoided by vaccination, and currently only 4 per cent of routine vaccinations were financed by the State. Could the State increase the proportion of subsidized vaccinations to 50 per cent and ask for assistance from international and charity organizations? It was absolutely essential to vaccinate children against tuberculosis, which, according to the WHO, was on the increase.

37. Ms. MOKHUANE said she believed that sexual and reproductive health centres had been set up for adolescents but that no centres for psychotherapy had been established. Exactly what was the situation in that regard? How was the Government dealing with drug addiction and what kind of drugs were young people using? The written replies indicated that HIV/AIDS screening had not been carried out for several months; she would like to know why. Was sex education on the syllabus in schools and were condoms available for adolescents in order to prevent the spread of AIDS among young people? What was the attitude of the general public towards condoms?

38. Given that many diseases were water-borne, what steps were being taken to ensure that rural communities had access to fresh water and sanitation? What plans did the Government have with regard to nutrition, including eating practices?

39. Mr. DOEK asked whether the Government had planned any specific programmes to help the tens of thousands of children who were either direct or indirect victims of AIDS.

40. The public seemed indifferent to the problem of child labour and it would be interesting to learn what action the Government was taking, possibly working together with NGOs, to change that, and whether it intended to cooperate with ILO with a view to implementing the International Programme on the Elimination of Child Labour (IPEC). What was the Government's stance on child refugees; should they be integrated or prepared for a return to their country? Did any programmes exist to trace the families of those children?

41. Ms. OUEDRAOGO asked how the problem of police brutality towards juvenile offenders was being dealt with and reiterated that law enforcement personnel should be trained in the provisions of the Convention. It was also to be hoped that steps would be taken to fill the existing gaps in the juvenile justice system.

42. Given the increasing number of single mothers, what support did the Government provide to single-parent families experiencing difficulties?

43. She asked whether the new Family Code provided protection for children born of incest who, under the Law of 1965, were excluded from the right to a legal declaration of paternity. Given the absence of national legislation on family reunification, which international agreements were applicable? What legal measures were planned in order to ensure that maintenance payments reached their intended recipients?

44. It would be interesting to learn whether efforts were being made to improve conditions in children's homes and orphanages where, according to the report, one in every three children died. What provision was made to ensure that appointed guardians did not mistreat the children in their care, and was there a monitoring mechanism for children placed with guardians or adoptive parents? Besides the prison sentence and fine referred to in the report for any person injuring or pummelling a child or depriving him or her of food or care, were any educational measures provided for the offenders in such cases?

45. Given the prohibitive cost of medicines and the difficult economic situation in the country, was the Government trying to promote traditional medicine and to foster cooperation with traditional healers?

46. Ms. KARP asked whether a mechanism had been established for children to register complaints when they received corporal punishment in schools or institutions of the juvenile justice system. The Government should launch a public awareness campaign to encourage parents to use alternatives to corporal punishment.

47. Ms. DEA (Central African Republic) said that the National Health Development Plan provided for a number of measures to improve the health of mothers and children, but the country simply did not have the financial or human resources to implement them. For example, AIDS screening tests were so expensive that many health centres could no longer afford them, and there was an acute shortage of resources for expanding access to clean drinking water and social security coverage and combating malnutrition.

48. Referring to traditional customs and practices, she said that a national committee established to curb traditional practices harmful to children and girls had already organized information campaigns in 9 of the country's 16 prefectures. Its task was made very difficult by the fact that traditions were deeply entrenched and by the lack of material resources.

49. There were no provisions in the national legislation denying children the right to express their opinion, which did not mean, however, that parents always took their children's views into

account particularly among disadvantaged sections of the population, where ignorance and illiteracy were widespread. It was to be hoped that attitudes would gradually change as a result of the schooling of younger generations.

50. In view of Central Africa's location in the very middle of Africa, there were many refugees from the surrounding countries. The National Commission for Refugees was responsible for providing them with assistance.

51. Mr. DIBERT DOLLET (Central African Republic) said that customs were part of the country's cultural heritage and it was for the competent authorities to decide on a case-by-case basis which often came into conflict with the law. It was also necessary to raise public awareness, particularly in remote areas, of the dangers of certain customs, with a view to earning popular support, with the cooperation of traditional leaders, for the policy pursued by the Government.

52. It was true that violence towards children by law enforcement personnel or teachers was not always reported. Whenever it was, disciplinary measures were taken against the perpetrators, which were followed by legal proceedings. Unfortunately, many parents still believed that not only did they have the right to inflict corporal punishment on their children but that it was their duty to do so. Consequently, public awareness campaigns were being carried out in order to convince parents of the benefits of alternative rearing methods.

53. Children born of incest were not denied the right to have their parents recognized and their affiliation was established, usually, for emotional reasons with their mother. That was a very delicate issue which should be considered in the light of the best interests of the child.

54. With regard to adoption, if a judge found an application for guardianship to be suspicious, he could order a social investigation to find out whether an attempt was being made to bypass legal adoption procedures.

55. There was a specialized anti-drugs police unit in Bangui, although its activities were limited by a shortage of resources. Regarding juvenile justice, the Government had adopted the principle that deprivation of liberty must be used only as a last resort for minors. When a judge had no option but to place a child in an NGO-run centre, he was personally responsible for monitoring the child's situation. Most children placed in such centres eventually ran away.

56. Child refugees were as a general rule looked after by the Office of the High Commissioner for Refugees (UNHCR), and their standard of living was sometimes better than that of the native inhabitants. They had access to a range of services, including health care and education. The problem of child labour involving refugee children had not been encountered in the Central African Republic.

57. Ms. DEA (Central African Republic) said that there was only one State-run centre for abandoned children and orphans: the Mother and Child Care Centre in Bangui. It was experiencing serious material and financial difficulties, although a recent agreement between the

Treasury and the Ministry of Social Affairs had speeded up the release of funds required by the Centre. The Centre also received assistance from UNICEF, which provided basic medicines as well as donations of food and clothing.

58. Forty-seven unaccompanied child refugees from the Democratic Republic of Congo had been placed with families who could speak their language. Rwandan children had been provided with accommodation in a building in Bangui rented by UNHCR and cared for by trained personnel from the Ministry of Social Affairs and the National Commission for Refugees.

59. Ms. OUEDRAOGO read out, in French, the draft concluding observations concerning the initial report of the Central African Republic and encouraged the country's authorities to continue to pursue their efforts to promote the rights of the child.

60. Ms. DEA (Central African Republic) said that despite its current difficulties, the Government of the Central African Republic remained determined to do everything within its power to implement the Convention on the Rights of the Child. Her delegation urged the Committee on the Rights of the Child to ask United Nations assistance to help her Government relieve the urgent situation, and preserve democracy, in her country.

The meeting rose at 6 p.m.